

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Amelia Massoumi (Estate)

Case No. 0232459

Atty Capata, Julian Eli (for Anna Noriega Chavez, fka Anna M. Noriega – Executor/Petitioner)

Atty Moore, Susan L. (for Maria J. Noriega de Torres, Jose Noriega, Jr. and Barbara Juarez –

Objectors)

(1) First and Final Account and Report of Executor of the Estate for the Time Period of September 19, 1978 to March 31, 2013; (2) Petition for Final Distribution; (3) for Statutory Executor's Commission; (4) for Statutory Attorney's Fees for Ordinary and Extraordinary Services; (5) for Setoff of Monies Owed by Maria J. Noriega De Torres and Jose Noriega, Jr. for Past Due Rent to Estate; (6) for Order to Withhold Amount for Taxes and Closing Expenses; and Disclosures 1064(a)(1) to 1064(a)(5) of the Probate Code

DO	D: 08/02/78	ANNA NORIEGA CHAVEZ, fka ANNA M.			NEEDS/PROBLEMS/COMMENTS:		
		NORIEGA, Executor, is Petitioner.			1.	The Petition does not state that	
		Account period: 09/19/78 - 03/31/13				proposed amount to be distributed to each beneficiary	
Со	nt. from	Accounting	-	\$66,447.19		after the payment of requested fees and setoffs.	
	Aff.Sub.Wit.	Beginning POH	-	\$40,000.00			
\checkmark	Verified	Ending POH	-	\$58,932.88 (all	2.	Need Order that complies with Local Rule 7.6.1.	
✓	Inventory	cash)				LOCAI RUIE 7.6.1.	
✓	PTC	Executor	_	\$2,657.89	3.	The extraordinary fee request is	
✓	Not.Cred.	(statutory)	_	Ş Z ,037.07		not accompanied by an	
✓	Notice of Hrg	(0.0.0.0.7)				itemized list of work performed. Further, the request is 4 times the	
✓	Aff.Mail w/	Attorney	-	\$2,657.89		amount allowed by this court	
	Aff.Pub.	(statutory)				without further justification,	
	Sp.Ntc.	Attorney x/o		\$4,000.00 (For		pursuant to Local Rule 7.18(A)(1),	
	Pers.Serv.	work performed re th	- e sale a			which allows \$1,000.00 for Court confirmed sales of real property.	
	Conf. Screen	itemization provided;				The Court may require more	
	Letters 09/19/78	excess of 10 hours an				information.	
	Duties/Supp	\$450/hr.)					
	Objections	Clasing	¢4 EO	2.00			
	Video Receipt	Closing -	\$4,500	J.UU			
	CI Report	Petitioner states that b	oenefic	ciary Jose Noriega,			
✓	9202	Jr. owes \$1,500.00 in re		,			
	Order X	beneficiary Maria Tor		•			
	Aff. Posting	and \$2,371.29 for pay			Re	viewed by: JF	
	Status Rpt	taxes to the estate. P rents/taxes owing be		•	Re	viewed on: 06/05/13	
	UCCJEA	beneficiaries' share a			-	dates:	
	Citation	funds remaining in the				commendation:	
√	FTB Notice	the rent owed, that the debt become a public			File	e 1 – Massoumi	
		record owing to the estate by an Abstract of					
		Judgment.					
		Continu	ed on	Page 2			

1 Amelia Massoumi (Estate)

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Distribution, pursuant to Decedent's Will, is to:

Anna Noriega Chavez Maria Torres Barbara Juarez Jose Noriega, Jr.

Objection to Petition for Final Distribution; For Setoffs; For Compensation for Extraordinary Services; and to Allow \$4,500.00 to be Held in Reserve; and Request to Setoff Compensation for Loss to Estate filed 05/24/13 by Maria Noriega de Torres, Jose Noriega, Jr. and Barbara Juarez states: Objectors are beneficiaries of the estate along with Petitioner Anna Noriega Chavez. For more than 30 years, Anna took no action to administer the Estate which consisted solely of the house which was their mother's residence. Since their mother's death, the house was considered a family home and the residence of Jose and then Maria. For more than 20 years, Maria has maintained and improved the property as she was able to do so within her means. No rents have been collected by Anna since their mother passed away in 1978 and the estate has incurred no expenses attributable to the property other than those that were paid through escrow when the property was sold to Maria. Maria and Jose deny that there were any gareements for the payment of rent to Anna as the personal representative of the estate. There is no evidence of any monetary judgment in the amount of \$1,500.00, or any amount owed to the Estate by Jose. Even if Anna had obtained a monetary judgment against Jose in favor of the Estate in 1981, such judgment would now be unenforceable. Any rental value Maria received from the property is full offset by payment of expenses attributable to the property and Maria's efforts to preserve the family home to the benefit of the Estate. But for Maria's efforts in retaining an attorney to force a sale to Maria at market value, no action has been taken to administer the estate. It is also believed the Anna was taking steps to evict Maria from the property. Had the property been vacated, it would have remained vacant being unrentable in its current condition. The Estate had no money to improve or maintain the property and the property could have been vandalized all to the detriment of the Estate. Maria, Jose and Barbara, being all the remaining beneficiaries except for Anna, request the court deny Anna's request for setoff against Maria and Jose and respectfully request the court order distribution of the remaining balance of the Estate to all beneficiaries in equal shares.

Case No. 0232459

Objectors request the Court deny the request for extraordinary compensation to Petitioner's attorney in the amount of \$4,500.00 claimed for time spent in connection with the sale of property for the following reasons:

- a. The amount requested exceeds the amount allowable under Local Rule 7.18(A)(1).
- b. Maria made a good faith offer to purchase the property on 01/06/12, through Mr. Capata, such offer being rejected with no counter offer or attempt to negotiate a sale.
- c. Rather than negotiate in good faith to the benefit to the estate, Mr. Capata utilized his time helping Anna oppose the sale to Maria.
- d. Extraordinary services for which additional compensation is requested was for time spent listing the property with a realtor in direct contradiction to the court's instructions in open court on 06/12/12 to notice the sale to Maria and allowing for potential overbids.
- e. The listing agreement negotiated by Mr. Capata failed to exclude <u>any</u> sale to Maria, a known buyer and bidder for the property, as would have been standard practice, to the detriment of the estate.

Continued on Page 3

1 Amelia Massoumi (Estate)

Case No. 0232459

Page 3

Anna should be charged for the loss to the Estate. On 12/05/11, Maria was in a position to purchase the home from the Estate, hired an appraiser to determine the fair market value for the property and obtained a written appraisal indicating the fair market value to be \$64,000.00. On 01/06/12, Maria submitted a written offer to Anna through Mr. Capata to purchase the property for \$55,000.00 in "as-is condition" with no realtor's commissions having to be paid on the sale. Anna refused to negotiate with Maria for the sale of the property. There was no counter offer to Maria's offer, her offer being flatly rejected and Maria was thereafter threatened with eviction. Maria alleges that Anna's actions were not in the best interest of the Estate but were based on personal bias to keep Maria from buying the property at any price. Maria was forced to hire an attorney to file a Petition for Order Directing Personal Representative to Act (filed in this matter on 04/06/12) at great expense in order to negotiate for the purchase of the property. At the hearing on Maria's Petition on 06/12/12, Anna requested she be allowed to list the property for sale through a realtor rather than selling to Maria. In response, the Court ordered Anna to notice a sale of the subject property for \$55,000.00 to Maria in the appropriate format setting forth overbids. Contrary to the Court's instruction, Anna enlisted a family friend, Irma Soltero, an agent at Century 21 Real Estate to list the property for sale. The listing agreement failed to specifically exclude any sale of the property to Maria, a known bidder, only excluding a sale to Maria if there were no overbids to the detriment of the estate. At the confirmation hearing, the property was ultimately sold to Maria and the issue of the realtor's commission was discussed. After discussion wherein the Court was hesitant to allow any commissions whatsoever because a sale to Maria should have been excluded from commission, it was agreed that the realtor would receive a commission of \$330.00, being 6% of the sales price over and above the initial bid (see minute Order from hearing on 08/07/12). Contrary to the Court's order, Anna, through her attorney, submitted an Order Confirming Sale allowing for a commission of \$3,300.00, rather than the \$330.00 as ordered, without noticing the matter for further proceedings to allow for a proper objection. The Estate was not required to pay a commission of \$3,300.00. The order as submitted to the Court allowing for a commission of \$3,300.00 resulted in a loss to the Estate of \$3,000.00. Petitioners therefore request Anna's compensation be reduced by the loss to the Estate.

Objector's further request that only a reasonable amount be established for a reserve account, that amount being the amount necessary for the preparation of a first and final fiduciary tax return as any tax liability should have already been determined.

Objectors, therefore, pray:

- 1. Anna Noriega Chavez's request for setoff of alleged unpaid rents be denied and the court order distribution of the remaining balance of the estate after reservation of a reasonable amount for preparation of a first and final fiduciary return be in equal shares to all four beneficiaries without offset;
- 2. The request for extraordinary compensation to Anna Noriega Chavez's attorney be denied;
- 3. Anna Noriega Chavez's statutory fee be reduced by \$3,000.00 for the loss to the estate in wrongful commissions paid to the real estate agent; and
- 4. Attorney's fees and costs against Anna Noriega Chavez's share of the distributable estate as the Court deems appropriate.

2 Doris MacDonell Frazer (Estate)

Case No. 12CEPR00377

Atty Arthur, Susan K.
Atty Frazer, Glen Maura

Report of Sale and Petition for Order Confirming Sale of Real Property

Age:	Report of date and Fermontor Gradi Committee	NEEDS/PROBLEMS/COMMENTS:
		NEEDS/FROBLEMS/COMMENTS.
DOD:		OFF CALENDAR
		The state of the s
		Amended Petition filed
Cont. from		05/16/13 and set for hearing on
Aff.Sub.Wit.		07/08/13
Verified		
Inventory		
PTC		
Not.Cred.]	
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 06/05/13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2 – Frazer

Atty Freeman, Jordan M. (for Dianna Rodriguez-Mirzai – Petitioner – Sister)

Petition for Probate of Will and for Letters Testamentary

DOD: 08/31/2012			DIANNA RODRIGUEZ-MIRZAI, sister/named	NEEDS/PROBLEMS/COMMENTS:
			executor without bond, is petitioner.	
Cont. from 042913		3	Full IAEA — o.k.	Need proof of service of Notice of Petition to Administer Estate on the decedent's mother, Elitania
	Aff.Sub.Wit.	s/p		Rodriguez, pursuant to Probate
1	Verified	- 1	Will Dated: 08/20/2012	Code §8110(b).
	Inventory			
	PTC		Residence: Fresno	
	Not.Cred.		Publication: The Business Journal	
✓	Notice of Hrg			Note: If the petition is granted status
✓	Aff.Mail		Estimated value of the Estate: Personal property - \$9,738.00	hearings will be set as follows:
✓	Aff.Pub.			• Friday, 11/08/2013 at 9:00a.m.
	Sp.Ntc.		Probate Referee: Steven Diebert	in Dept. 303 for the filing of the
	Pers.Serv.			inventory and appraisal <u>and</u>
	Conf.			• Friday, 08/08/2014 at 9:00a.m.
	Screen			in Dept. 303 for the filing of the first
✓	Letters			account and final distribution.
1	Duties/Supp			account and in a asimponori.
	Objections			Pursuant to Local Rule 7.5 if the required
	Video			documents are filed 10 days prior to the
	Receipt			hearings on the matter the status hearing will come off calendar and no
	CI Report			appearance will be required.
	9202			
 	Order			
	Aff. Posting			Reviewed by: LV
	Status Rpt			Reviewed on: 06/04/2013
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 3 – Rodriguez

4 Ivone Carlson (Estate)

Atty

Case No. 13CEPR00294

Hinshaw, Caroline K. of San Francisco (for Mark Reiff – nominated Executor/Petitioner)

Amended Petition for Probate of Will and for Letters Testamentary: Authorization to Administrator Under the Independent Administration of Estates Act

DC	D: 03/29/13		M
			Р
			а
			se
Со	nt. from 052013		_
✓	Aff.Sub.Wit.		Fι
✓	Verified		W
	Inventory		C
	PTC		C
	Not.Cred.		
✓	Notice of Hrg		R
√	Aff.Mail	w/	Рι
✓	Aff.Pub.		Ki
	Sp.Ntc.		
	Pers.Serv.		<u>Es</u>
	Conf. Screen		Pe
✓	Letters		A
✓	Duties/Supp		To
	Objections		Pr
	Video		' '
	Receipt		
	CI Report		
	9202		
	Order	Х	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

MARK REIFF, named Executor, is Petitioner, and requests appointment as Executor with bond set at \$120,000.00.

Full IAEA - OK

Will dated 10/24/74 Codicil dated 03/25/13 Codicil dated 03/28/13

Residence – Kingsburg Publication – Selma Enterprise & Kingsburg Recorder

Estimated Value of the Estate:

Personal property - \$ 43,000.00 <u>Annual income</u> - 73,000.00 **Total** - \$116,000.00

Probate Referee: **STEVEN DIEBERT**

NEEDS/PROBLEMS/COMMENTS:

CONTINUED FROM 05/20/13

Minute Order from 05/20/13 states: Later and off the record, Bill Zanovitch, Colleen Zanovitch, and Marilyn Lungren appear in court and object to the petition. The Court rescinds its previous order approving the petition and sets the matter for further hearing on 06/10/13. The Court extends the letters of special administration to 06/10/13.

As of 06/04/13, no written objection has been filed.

1. Need Order.

<u>Note</u>

Request for Special Notice was filed 05/29/13 by Colleen Zanovitch and a Request for Special Notice was filed on 06/04/13 by J. Stanley Teixeira on behalf of his client, Scott Raven.

Note: If the Petition is granted, status hearings will be set as follows:

- Friday July 19, 2013 at 9:00 am in Dept. 303 for filing of bond;
- Friday, October 25, 2013 at 9:00 am in Dept. 303 for filing of the Inventory & Appraisal; and
- Friday, July 25, 2014 at 9:00 am in Dept.
 303 for filing of the Accounting/Petition for Distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Reviewed by: JF

Reviewed on: 06/04/13

Updates:

Recommendation:

File 4 - Carlson

Atty

De Goede, Dale A (for Robert M. Beilage-Petitioner-Surviving Spouse)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 10/17/2012			ROBERT M. BEILAGE, Successor Trustee of the	NE	EEDS/PROBLEMS/COMMENTS:
			Robert and Irene Beilage Family Trust, is		·
			petitioner.	1.	Need Declaration pursuant to Local Rule 7.12.5.
<u> </u>			40 days since DOD		
Со	nt. from			2.	The Statement About the Bond
_	Aff.Sub.Wit.		I&A - \$108,000.00		portion of the Inventory and Appraisal was not completed.
√	Inventory		Will dated: 02/25/2009 devises all property	3.	Attorney did not sign the Inventory
	PTC		to the Robert and Irene Beilage Family Trust.		and Appraisal.
	Not.Cred.		Petitioner requests Court determination that		
✓	Notice of Hrg		decedent's 1/4 interest in real property		
√	Aff.Mail	w/	located at 1049 Sycamore Drive, Arroyo Grande, Ca. pass to the Robert and Irene		
	Aff.Pub.		Beilage Family Trust.		
	Sp.Ntc.				
	Pers.Serv.				
	Conf.				
	Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video				
	Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Re	eviewed by: LV
	Status Rpt			Re	eviewed on: 06/04/2013
	UCCJEA			Up	odates:
	Citation			Re	ecommendation:
	FTB Notice			File	e 5 – Beilage

6 Robert Bradford Holz (Det Succ)

Case No. 13CEPR00363

Atty Hogue, David M. (of Dinuba for Valerie Lynn Chato – Petitioner – Sister)

Petition to Determine Succession to Real Property (Prob. C. 13151)

	D: 12/14/1995				ster, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
	D. 12/14/1775		VALERIE LTI	NIN CHAIO, SIS	sier, is perillorier.	NEEDS/FROBLEMS/COMMENTS.
			40 days sind	ce DOD		The order is incomplete at #9b regarding petitioner's name and
			No other pr	oceedinas		specific property interest. Need new
Со	nt. from					Order.
	Aff.Sub.Wit.		I&A	-	\$80,000.00	
✓	Verified					
✓	Inventory		Decedent of	died intestate) .	
	PTC					
	Not.Cred.					
✓	Notice of			•	determination that	
-	Hrg Aff.Mail	w/			property located Fresno, Ca. pass to	
✓		W/			Jant to intestate	
	Aff.Pub.		succession.	•		
	Sp.Ntc.		30000331011.			
	Pers.Serv.					
	Conf.					
	Screen					
	Letters					
	Duties/Supp					
	Objections					
	Video Receipt					
	Cl Report					
	9202					
✓	Order					
	Aff. Posting					Reviewed by: LV
	Status Rpt					Reviewed on: 06/04/2013
	UCCJEA					Updates:
	Citation					Recommendation:
	FTB Notice					File 6 – Bradford

Atty

Sibley, Cecilia R. (pro per – Executor/Petitioner)

(1) First and Final Account and Report of Executor, Petition for Its Settlement, and (2) Petition for Final Distribution [Prob. C. 1060 et seq. & 11640 et seq.]

DOD: 09/22/12	CECILIA SIBLEY, Executor, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
	Account period: 09/2	22/12 - 04/24/13	Need Notice of Hearing.	
Cont. from Aff.Sub.Wit. Verified	Accounting Beginning POH Ending POH	- \$64,853.20 - \$60,188.11 - \$60,857.20	Need proof of service by mail at least 15 days before the hearing of Notice of Hearing or Waiver of Notice for:	
✓ Inventory ✓ PTC	Executor	- waived	- Anthony Rago - Kathleen Rago	
✓ Not.Cred. Notice of Hrg ×	Closing -	\$500.00	- Amy Sibley - Pamela Rago	
Aff.Mail X	Distribution, pursuant	to Decedent's Will, is to:	- Eugene Sibley	
Aff.Pub. Sp.Ntc.	Anthony Rago- Cecilia Sibley	- ·		
Pers.Serv. Conf. Screen		400,170.00		
Letters 12/12/12 Duties/Supp				
Objections				
Video Receipt				
Cl Report ✓ 9202				
✓ Order				
Aff. Posting			Reviewed by: JF	
Status Rpt	_		Reviewed on: 06/05/13	
UCCJEA			Updates:	
Citation ✓ FTB Notice	-		Recommendation: File 8 – Rago	
, LID MOIICE	<u> </u>		rile o-kugo	

10 Atty

Longhat, Laura (Pro Per – Petitioner-Maternal Grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 2		TEMPORARY EXPIRES 06/10/13	NEEDS/PROBLEMS/COMMENTS:		
Со	nt. from Aff.Sub.Wit.	LAURA LONGHAT, maternal grandmother, is Petitioner. Father: UNKNOWN – Court dispensed with notice per minute order dated 04/22/2013.	Petitioner's Fee Waiver was denied on 04/12/2013 and on 04/26/2013. Filing fee of \$285 is due (\$60 for temporary and \$225 for the general petition).		
	Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub.	Mother: VALERIE LONGHAT – Consent & Waiver of Notice filed 04/09/13 Paternal grandparents: UNKNOWN – Declaration of Due Diligence filed 04/09/13 Maternal grandfather: DOUGLAS LONGHAT, Consent & Waiver filed 04/22/2013	 2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: Jose Chavez (Sibling) 		
✓ ✓	Sp.Ntc. Pers.Serv. Conf. Screen Letters	Petitioner alleges: that Dhillan's mother is using meth and is unable to care for him. Petitioner states that the mother is homeless, a wanted fugitive and will soon be going to prison for a long time.	Paternal Grandparents (Unknown) - Unless the Court Dispenses with Notice as the child's father is unknown.		
✓	Duties/Supp	Court Investigator Charlotte Bien's Report			
√	Objections Video Receipt CI Report	filed 05/30/2013.			
	9202				
✓	Order Aff. Posting		Reviewed by: LV		
	Status Rpt	_	Reviewed on: 06/05/2013		
	UCCJEA	-	Updates:		
	Citation ETP Notice	-	Recommendation:		
	FTB Notice		File 10 – Longhat		